

रजिस्टर्ड नं० पी० 461.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 3 अक्टूबर, 1973/11 अक्टूबर, 1895

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 3rd October, 1973

No. 5-31/72-LR.—The Himachal Pradesh Ceiling on Land Holdings (Amendment) Ordinance, 1973 (Ordinance No. 4 of 1973) promulgated

by the Governor, Himachal Pradesh, on the 1st October, 1973, is hereby published in the Rajpatra, Himachal Pradesh, for the information of general public.

JOSEPH DINA NATH,
Deputy Secretary.

ORDINANCE No. 4 OF 1973

THE HIMACHAL PRADESH CEILING ON LAND HOLDINGS
(AMENDMENT) ORDINANCE, 1973

Promulgated by the Governor of Himachal Pradesh in the Twenty-fourth Year of the Republic of India.

An Ordinance to amend the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (Act No. 19 of 1973).

Whereas the Legislative Assembly of Himachal Pradesh is not in session and the Governor of Himachal Pradesh is satisfied that the circumstances exist which render it necessary for him to take immediate action;

And whereas instructions of the President of India to promulgate the Ordinance, have been obtained;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Himachal Pradesh is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Himachal Pradesh Ceiling on Land Holdings (Amendment) Ordinance, 1973.

(2) It shall be deemed to have come into force from the date of commencement of the Himachal Pradesh Ceiling on Land Holdings Act, 1972.

2. In section 3 of the Himachal Pradesh Ceiling on Land Holdings Act, 1972 (hereinafter called the principal Act) the following amendments shall be carried out, namely:—

Short title
and commencement

Amendment
section

(a) in clause (k) the words "but shall not include land under banana or guava gardens or vine-yards" shall be inserted after the words "agricultural purpose" and before the sign ";";

(b) clause (1) shall be omitted;

(c) in clause (n) after the word "landowner" the sign ";" shall be inserted and thereafter for the words "and tenant" the words "tenant and mortgages with possession" shall be substituted;

(d) in clause (q) the comma and words "and an adult daughter" shall be omitted;

(e) in sub-clause (i) of clause (t) the words "recorded as such in the revenue record" shall be omitted; and

(f) in sub-clause (ii) of clause (t) the word "or" appearing at the end of para (b) and para (c) shall be omitted.

3. In section 4 of the principal Act, the following amendments shall be carried out, namely:—

Amendment
section

(a) in sub-section (4) for the words "or daughter of a landowner" the words "of a person" shall be substituted;

(b) for sub-section (5) the following sub-section (5) shall be substituted, namely:—

“(5) If a person holds land of two or more categories described in clauses (a), (b) and (c) of sub-section (1) and sub-section (2) of this section then the permissible area shall be determined on the following basis:—

- (i) in the areas mentioned in sub-section (2) of this section one acre of land mentioned in clause (a) of sub-section (1) shall count as one and a half acres of land mentioned in clause (b) of sub-section (1) and seven acres of land mentioned in clause (c) of sub-section (1);
- (ii) in the areas other than the areas mentioned in sub-section (2) of this section, one acre of land mentioned in clause (a) of sub-section (1) shall count as one and a half acres of land mentioned in clause (b) of sub-section (1) and three acres of land mentioned in clause (c) of sub-section (1);

Provided that on the basis of ratio prescribed in clauses (i) and (ii), the permissible area shall be converted into the category of land mentioned in sub-section (2) and in clause (c) of sub-section (1) as the case may be, and the total area so converted shall not exceed 70 acres in case of clause (i) and 30 acres in case of clause (ii)”.

4. For clause (c) of section 5 of the principal Act, the following clause (c) and explanation shall be substituted, namely:—

“(c) lands belonging to Land Mortgage Banks, the State and Central Co-operative Banks and any other Banks.

Explanation.—For the purpose of this sub-clause “any other Banks” mean a banking company as defined in section 5 of the Banking Regulation Act, 1949, and includes the State Bank of India constituted under the State Bank of India, Act, 1955, a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 and a “corresponding new bank” as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Agricultural Refinance Corporation, and Agro-Industries Corporation, Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956, and any other financial institution notified by the State Government in this behalf;”.

5. For clause (ii) of sub-section (1) of section 14 of the principal Act, the following clause (ii) shall be substituted, namely:—

“(ii) for the land in excess of 10 acres and below 30 acres, seventy five times the land revenue (including rates and cesses); and”

6. After sub-section (2) of section 15 of the principal Act, the following sub-section (2-A) shall be inserted, namely:—

“(2-A) For making the allotment of the surplus land under sub-section (2), the first preference among landless persons shall be given to the members of the Scheduled Castes and Scheduled Tribes”.

10 of 1949
23 of 1955
38 of 1959
5 of 1970
1 of 1956

7. In sub-section (3) of section 17, of the principal Act, for the word and figure "section 8" the word and figure "section 9" shall be substituted.

Amend-
ment of
section 17.

S. CHAKRAVARTI,
Governor.

SIMLA:
The 1973.

JOSEPH DINA NATH,
Deputy Secretary (Law).

